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8 Attorney for Defendant
9 TRINIDAD MARTINEZ, JR.
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

TRINIDAD MARTINEZ, JR.,

Defendant.

No. CR 18-00047-BLF

EX-PARTE APPLICATION AND
DECLARATION OF COUNSEL IN
SUPPORT OF EXTENSION OF SELF-
SURRENDER DATE

~~PROPOSED~~ ORDER

Honorable Beth Labson Freeman
United States District Judge

I. Lupe Martinez, declare:

1. I am an attorney licensed to practice law in the courts of the State of California and the Central, Northern and Eastern Districts of California. I have been retained to represent the defendant Trinidad Martinez, Jr. in the above-entitled case.

2. On December 8, 2020, Mr. Martinez was sentenced as to Count 1 of the Indictment filed on to the Custody of the Bureau of Prisons for a term on 84 Months; Followed by a term

Ex-Parte Application and Declaration
For Extension of Self-Surrender Date

1 of 5 years Supervised Release. Mr. Martinez was ordered to self-surrender to designated
2 facility as directed by the Probation Office on or before 2:00 PM on February 11, 2020.
3 All conditions of release remain in full force and effect.

4 3. Mr. Trinidad Martinez applies to this Court, ex-parte, for an order to continue his
5 self-surrender date from February 11, 2021 to April 15, 2021 to permit sufficient time for
6 him to process a Chapter 7 bankruptcy petition in the Bankruptcy Court for the Northern
7 District of California, San Jose Division. Attached and incorporated herein as *Exhibit A* is a
8 January 11, 2021 email from bankruptcy counsel Colby Dean Lavelle of San Jose, California
9 who has been retained to process Mr. Martinez's bankruptcy petition. As Mr. LaVelle notes,
10 Mr. Martinez will not be required to attend any meetings or court proceedings in the
11 bankruptcy case after April 1, 2021. A continuance of Mr. Martinez's surrender date to April
12 15, 2021 will permit resolution of the bankruptcy proceedings.

13 4. On or about January 14, 2021, Assistant United States Attorney Jeffrey Nedrow advised via
14 telephone and email that the government does not oppose extension of the self-surrender date.

15 I declare under penalty of perjury that the foregoing is true and correct.

16 Executed this 17th day of January 2021 at Temecula, California.

17
18 Dated: January 17, 2021

s/s Lupe Martinez

19 LUPE MARTINEZ
20 Attorney for Defendant Trinidad Martinez, Jr.

ORDER


GOOD CAUSE APPEARING,

IT IS ORDERED that defendant Trinidad Martinez's application to continue his self-surrender date is continued from February 11, 2021 to April 15, 2021 is GRANTED.

IT IS FURTHER ORDERED that all terms and conditions of release shall remain in full force and effect.

SO ORDERED

Dated: January 19, 2021


Beth Labson Freeman
United States District Judge

trinidad martinez <tmartinez351@gmail.com>

To: Lupe Martinez, Shari Tocchini

Sun, Jan 17, 2021 at 12:03 PM

Please let me know if you get it thank you

Begin forwarded message:

From: Colby LaVelle <clavelle@lavellelawoffices.com>

Date: January 11, 2021 at 12:17:27 PM PST

To: trinidad martinez <tmartinez351@gmail.com>

Subject: Chapter 7 Filing

Greetings,

I am the attorney for Trinidad Martinez. I am working with him in preparation to file Chapter 7 Bankruptcy. We will need approximately 2 weeks from today to prepare his case. Once his case is filed, he will need to attend a meeting with the trustee (341 Meeting of Creditors). These meetings are generally scheduled 30-40 days after we file his case. Occasionally these meetings are continued for various reasons and usually the continued meetings are held within 30 days. There is generally not a need for debtors filing bankruptcy to attend any further court hearings after the meeting of creditors and I would not anticipate he would need to attend any hearings after roughly April 1st, 2021. A typical Chapter 7 case remains open for 3-4 months; thus, his case would likely be completed and case closed between May 1, 2021 and June 1, 2021.

If you have any questions or concerns, please contact me.

Colby Dean LaVelle II, esq.

cell: (415) 844-0655

LaVelle Law Offices

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Exhibit A